

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

SHAWN SNYDER,

Petitioner,

-v-

UNITED STATES OF AMERICA,

Respondent.

---

**DECISION and ORDER**  
09-CR-0407S

Petitioner, Shawn Snyder, who has filed a *pro se* Motion to Vacate, Set Aside or Correct his Sentence (“Motion to Vacate”) pursuant to 28 U.S.C. § 2255, has filed a Motion to Amend the Motion to Vacate and requests 180 days in which to file the Amended Motion to Vacate. Snyder cites a number of reasons in support of why he needs this amount of time to file an Amended Motion to Vacate, which are the same reasons set forth in a Motion for an Extension of Time to File a Motion to Vacate (Docket No. 36) he filed prior to filing the instant Motion to Vacate. That Motion for an Extension of Time was denied (Docket No. 37) and Snyder then filed the instant Motion to Vacate. The Decision and Order denying the Motion for an Extension of Time to file a Motion to Vacate noted that at or after the time of filing a Motion to Vacate Snyder could request an extension of time to file an amended motion to vacate. (Docket No. 37, at 3-4.)

The government has filed a Motion to Enlarge the Time in which it must file an Answer and Memorandum of Law in opposition to the Motion to Vacate noting Snyder’s Motion to Amend. (Docket No. 41.)

The Court finds that Snyder has shown cause why he needs additional time to file an Amended Motion to Vacate but that an additional 180 days is simply too large an extension

of time and that, at this time, 90 days is deemed sufficient. If, after 90 days, Snyder cannot file an Amended Petition he may, upon good cause, request an additional extension of time. Accordingly,

IT IS HEREBY ORDERED that Snyder's Motion to Amend the Motion to Vacate is granted and that he shall file an Amended Motion to Vacate no later than **December 10, 2012**;

FURTHER, that the government's Motion to Enlarge its Time to file an Answer is granted and that within **45 days** of the filing and service of Snyder's Amended Motion to Vacate, the United States Attorney shall file and serve an answer, which responds to the allegations of the Amended Motion to Vacate and shall state whether Snyder has used any other available federal remedies including any prior post-conviction motions. Further, the answer shall state whether an evidentiary hearing was afforded petitioner in a federal court, whether Snyder appealed the conviction, and what ruling, if any, the United States Court of Appeals has made on the appeal.

The government is also ordered to file and serve along with its answer a **memorandum of law** addressing each of the issues raised in the Amended Motion to Vacate and including citations of relevant supporting authority.

FURTHER, that Snyder shall have twenty (20) days upon receipt of the answer to file a written response to the answer and memorandum of law.

SO ORDERED

Dated: September 8, 2012  
Buffalo, New York

s/William M. Skretny  
\_\_\_\_\_  
WILLIAM M. SKRETNY  
Chief Judge  
United States District Court